Dck. 95-42

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Federal Communications Commission
Office of the Secretary

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
REQUEST BY A.C. NIELSEN	)	
COMPANY FOR THE	)	
COMMISSION'S AUTHORIZATION	)	DA 89-1060
FOR TELEVISION BROADCAST	)	
STATIONS TO TRANSMIT	)	
ENCODED INFORMATION ON	)	
LINE 22 OF THE ACTIVE PORTION	)	
OF THE TELEVISION VIDEO SIGNAL	)	

DOCKET FILE COPY ORIGINAL

To: The Commission

SUPPLEMENTAL OPPOSITION OF A.C. NIELSEN COMPANY TO MOTION OF AIRTRAX FOR STAY

Grier C. Raclin, Esq.
Kevin S. DiLallo, Esq.

Gardner, Carton & Douglas
1001 Pennsylvania Ave., NW
Suite 750
Washington, D.C. 20004
(202) 347-9200

Attorneys for
A.C. NIELSEN COMPANY

Dated: January 17, 1990

Summary

Airtrax's Motion for Stay is legally and factually inadequate and should be denied. Airtrax relies entirely on speculation and conjecture and is unable to identify a single empirical fact to support its arguments. Moreover, Airtrax fails to satisfy any of the four elements of the test for obtaining a stay enunciated in Virginia Petroleum Jobbers Assn. v. Federal Power Comm'n, 259 F.2d 921 (D.C. Cir. 1958). That test has been adopted by the Commission, WATS Related and Other Amendments of Part 69 of the Commission's Rules, 2 F.C.C. Rcd. 245 (1987); GTE Telenet Communications Corp., 57 R.R.2d 1367 (1985), and it requires that the proponent of a stay establish that (1) it is likely to prevail on the merits; (2) withouth the relief it seeks, it will be irreparably harmed; (3) the issuance of a stay would not substantially harm others interested in the proceeding; and (4) a stay would be in the public interest. Airtrax has satisfied none of these criteria, and its Motion should therefore be denied.

Airtrax's entire argument is premised on the unsupported assertion, rejected below, that it is technologically infeasible to place Nielsen's codes on line 22 without eradicating codes previously placed on line 22. Airtrax presents no evidence in support of this speculative premise. Airtrax also will not be irreparably harmed by a denial of the stay because it simply isa seeking a stay of authority that does not exist. Airtrax's primary concern is that Nielsen will overwrite Airtrax codes tha may appear on line 22 of commercials; however, the Permissive Authority granted to Nielsen does not authorize Nielsen to overwrite codes previously placed on line 22 of commercials by Airtrax or others with the authorization of the FCC and the commercials's owner.

Furthermore, grant of Aitrtrax's requested stay will substantially harm Nielsen, the syndicated programming industry, advertisers and their agencies,

Furthermore, grant of Aitrtrax's requested stay will substantially harm Nielsen, the syndicated programming industry, advertisers and their agencies, and the viewing public by inhibiting Nielsen's ability to provide the most reliable ratings it can to the syndicated programming industry. Finally, the relief Airtrax seeks is not in the public interest, and Airtrax's own self-interest -- in diminished competition -- can not outweigh the detriment to the public interest that would result from a stay. The Chief of the Mass Media Bureau already has determined that a grant of authority to Nielsen to use line 22 is in the public interest. Conversely, the stay sought by Airtrax is not in the public interest and should be denied.

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
REQUEST BY A.C. NIELSEN COMPANY FOR THE COMMISSION'S AUTHORIZATION FOR TELEVISION BROADCAST STATIONS TO TRANSMIT ENCODED INFORMATION ON LINE 22 OF THE ACTIVE PORTION OF THE TELEVISION VIDEO SIGNAL	)	DA 89-1060

To: The Commission

SUPPLEMENTAL OPPOSITION OF A.C. NIELSEN COMPANY TO MOTION OF AIRTRAX FOR STAY

A. C. Nielsen Company ("Nielsen"), by its attorneys, hereby supplements its Preliminary Opposition to Airtrax's Motion for Stay filed December 27, 1989, and for the reasons stated therein and hereinbelow, opposes that Motion for Stay. [1] In support of its Opposition, Nielsen states the following:

FACTUAL BACKGROUND

1. On July 19, 1989, Nielsen filed with the Commission a Request for Permissive Authority. Nielsen's Request sought authority for broadcast licensees to transmit Source Identification ("SID") codes on line 22 of programming or advertising Nielsen monitors in connection with its national

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[1] On December 22, 1989, Nielsen filed a Consent Motion for Extension of the time within which it was required to file its Opposition to Airtrax's Motion for Stay and accompanying Application for Review. On December 27, 1989, Nielsen filed a Preliminary Opposition to Airtrax's Motion in the event that the parties' request for an extension of time was not granted. On January 2, 1990, the Mass Media Bureau granted the parties' request for an extension of time for Nielsen to file the instant pleading. Accordingly, Nielsen supplements herein its Preliminary Opposition to Airtrax's Motion for Stay.

ratings service and other similar broadcast-related services. On August 18, 1989, Airtrax, a California partnership which previously had been authorized to use Line 22 to verify the transmission of television commercials, opposed Nielsen's Request. Nielsen responded to Airtrax's Opposition on August 21, 1989, and on September 1, 1989 the Commission issued a Public Notice, DA 89-1060 (released September 1, 1989), requesting comments on the issues raised by Nielsen's Request.[2]

2. Comments and reply comments were filed in this proceeding on September 22, 1989 and October 2, 1989, respectively, by Nielsen, Airtrax, and numerous others. On November 22, 1989, after the most exhaustive review ever imposed upon such a proposal, the Commission granted Nielsen's Request and authorized the "general use of Nielsen's AMOL system on line 22 by licensees in the television services," subject to the restriction that the "AMOL signal shall not be embedded in commercials or other broadcast materials which are not being monitored by Nielsen." Letter from Roy J. Stewart to Grier C. Raclin (November 22, 1989) (hereinafter cited as "Permissive Authority") at 5.[3]

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[2] On August 14, 1989, Nielsen filed a Request for Special Temporary Authority to use line 22 for its AMOL SID codes. Airtrax opposed Nielsen's Request on August 25, 1989, and Nielsen responded to Airtrax's objections on August 29, 1989.

[3] The Commission based its conclusions on its specific findings that:

> (1) Nielsen's AMOL/SID transmissions constitute "special signals" that are integral parts of their associated programming material;
>
> (2) the effects of transmitting the AMOL codes will be no worse than those of previously authorized line 22 uses and will not visibly degrade the picture presented to viewers;
>
> (3) Nielsen had justified its proposed use of line 22;
>
> (4) television licensees would benefit from the transmission of AMOL codes on line 22; and

[Footnote Continued on Next Page]

3. Airtrax's Motion for Stay simply repeats and relies on the argument made by Airtrax at earlier stages of this proceeding that Nielsen is not capable of placing its AMOL codes on Line 22 without overwriting codes previously placed on line 22 by Airtrax and others.[4] See Motion for Stay at 6-8. This argument has been thoroughly reviewed by the Commission and does not warrant further consideration. Airtrax has not and can not offer any proof that its, or anyone else's, codes have been or will be "adversely affected" by Nielsen's use of Line 22.

ARGUMENT

4. To obtain a stay of the Commission's grant of authority, Airtrax must meet the four-part standard announced in Virginia Petroleum Jobbers Ass'n. v. Federal Power Comm'n, 259 F.2d 921 (D.C. Cir. 1958) ("Virginia Petroleum Jobbers") and its progeny. This standard, which has been adopted by the Commission, WATS Related and Other Amendments of Part 69 of the Commission's Rules, 2 F.C.C. Rcd. 245 (1987); GTE Telenet Communications Corp., 57 R.R.2d 1367 (1985), requires the proponent of a stay to demonstrate that:

a. it is likely to prevail on the merits;

b. without the relief it seeks, it will be irreparably harmed;

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(5) temporary approval for use of Nielsen's AMOL system on line 22 would be in the public interest.

Permissive Authority at 2-4.

[4] Although Airtrax's Motion for Stay advanced numerous factual assertions and legal theories with which Nielsen strongly disagrees, including a draconian interpretation of the November 22 grant of temporary authority, Nielsen does not wish to exacerbate this clouding of the issues by addressing each of Airtrax's assertions; however, Nielsen does not intend by its reticence to imply concurrence with Airtrax's positions, and it reserves the right to challenge those positions and assertions at later stages, if any, of this proceeding.

c. the issuance of a stay would not substantially harm other parties interested in the proceeding (such as Nielsen, broadcasters, syndicators and advertisers who use Nielsen's ratings); and

d. the stay is in the public interest.

GTE Telenet, supra, 57 R.R.2d 1384.

5. Although each of the four elements of the test must be satisfied to obtain a stay, the Commission in its discretion may grant a request for a stay if the proponent of the stay has satisfied the second, third, and fourth elements, and has made at least a "substantial case on the merits."[5] The proponent of a stay, however, bears a heavy burden, Audio Recordings, 57 F.C.C.2d 1177, 1178 (1976). Because it has failed to satisfy even one, let alone all, of the elements of the Virginia Petroleum Jobbers test, Airtrax's Motion for Stay must be denied.

1. Airtrax fails to make a substantial case on the merits

6. Airtrax claims that it is categorically impossible to encode programming or commercials with Nielsen's AMOL codes without "writing over" or eradicating codes previously placed on the programming by Airtrax or others. The fallacies inherent in this contention are clear.[6] Airtrax's argument is based

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[5] GTE Telenet, 57 R.R.2d 1384 (citing Washington Metropolitan Transit Commission v. Holiday Tours, 559 F.2d 841 (D.C. Cir. 1977)).

[6] Airtrax's reliance on two letters, neither of which supports the veracity of Airtrax's position, demonstrates the untenability of that position. Airtrax relies on a letter from Ronald G. Schlameuss, President of Valley Stream Group, Ltd., the manufacturer of the encoding equipment used by many post-production houses, which stated that there was a "possibility" that his company's encoder could be modified to detect codes placed on line 22 by entities other than Nielsen. Motion for Stay at 7-8 & App. A. Mr. Schlameuss has explained , however, that he referred to such modification as a "possibility" only because the system had not at that point been fully implemented and tested. See Affidavit of Ronald G. Schlameuss (Attachment A hereto) at

[Footnote Continued on Next Page]

not on empirical data -- Airtrax has not cited a single instance in which codes have been overwritten -- but on its own self-serving and totally unsupported predictions. Moreover, as set forth in the attached sworn declarations of David Harkness of Nielsen and Steven Goldman of Paramount Pictures Corporation (Attachments B and C, respectively), Nielsen and Paramount already have undertaken test transmissions of Nielsen's SID codes on line 22 of certain Paramount programming in a manner so as to avoid overwriting any pre-existing and authorized codes appearing in commercials -- Airtrax's or others'. Airtrax simply has failed to present any case -- much less a substantial case -- that it will succeed on the merits.

7. Indeed, Airtrax can not make a case on the merits because the Permissive Authority does not authorize the conduct that Airtrax seeks to inhibit. Specifically, in accord with the restrictions normally applicable to all FCC licensees, the Permissive Authority already requires syndicators to avoid harming authorized users of line 22 as a result of an unauthorized use of that line, and reserves to the Commission the discretion to revoke the Permissive Authority if other authorized users are being unreasonably and adversely affected by transmission of Nielsen's AMOL codes in an unautholrized manner. Permissive Authority at 5. It is apparent from this restriction that the Commission already has granted all the relief Airtrax seeks in its Motion and accompanying Application for Review.[7] In short, the Chief has done exactly what Airtrax

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Para. 4. Mr. Schlameuss testified further that, based on his many years of experience working with encoders, he sees no reason that the Valley Stream encoder can not be modified to provide for an automatic pause upon detection of other codes. Id.

[7] Nielsen is concerned that the imposition of this requirement was beyond the Chief's delegated authority because only Nielsen's authorization to use line 22 has explicitly set forth this requirement, and because the proscription of "adverse effects" is vague. Nevertheless, Nielsen has not sought reconsideration or review of that requirement at this time based in part on Nielsen's understanding that the requirement to avoid "adverse effects" on other users of line 22 is applicable to all such users.

requests in its Application: Nielsen is not authorized to overwrite Airtrax's authorized encoding of commercials. Airtrax's Motion thus requests a stay of a grant of authority that does not exist, and there is no purpose to be served by granting Airtrax's Motion.

8. In sum, through a grant of its Motion, Airtrax would deprive broadcasters, syndicators, and advertisers of the benefits even of testing Nielsen's proposed system -- a system which all segments of the industry support -- because of Airtrax's mere speculation that its codes might be affected. Such unsupported speculation does not constitute a substantial case on the merits, and for that reason, Airtrax's Motion must be denied.

2. Airtrax fails to demonstrate irreparable harm

9. In construing the "irreparable harm" element of the Virginia Petroleum Jobbers test for obtaining a stay, the United States Court of Appeals for the District of Columbia Circuit has stated, "[T]he injury [alleged] must be both certain and great; it must be actual and not theoretical." Wisconsin Gas Co. v. FERC, 758 F.2d 669, 674 (D.C. Cir. 1985). In this case, Airtrax's claim to irreparable harm is purely theoretical. Airtrax claims without any support whatsoever that, if any of its codes is overwritten, it will be driven out of business. Motion for Stay at 3-4. Because it wrongly assumes Nielsen necessarily will overwrite its codes, Airtrax predicts its imminent demise, absent a stay. This prediction, like its prediction of its likely success on the merits, is based on nothing more than unsupported conjecture which is contradicted by fact.

10. The speculative nature of Airtrax's alleged injuries is well illustrated by Airtrax's erroneous assumptions that no manual or technological method can be found to recognize and avoid overwriting its codes. Airtrax's

argument assumes incorrectly that post-production houses will use a manual method to encode Nielsen's SID codes onto programming, and that, even if automated equipment were used, such equipment is technologically incapable of implanting Nielsen's codes without overwriting. See Motion for Stay at 7-8. Nielsen has disagreed repeatedly and strongly with Airtrax's characterization of the encoding process and available technology; and, in any event, Airtrax's description of the manual encoding method is irrelevant. As set forth in the attached affidavit of Ronald Schlameuss, Attachment B hereto, there is no reason to expect that the encoders his firm manufacturers could not be modified to avoid overwriting. Indeed, Airtrax has conceded that its own encoders incorporate this "read-before-writing" capability. Airtrax Reply Comments (filed October 2, 1989 in DA 89-1060) at 14 n.6. Airtrax's reliance on alleged technological deficiencies which do not exist, along with its speculative claims of future injury, is insufficient to satisfy the "irreparable harm" element of the Virginia Petroleum Jobbers test.

11. The Commission recognizes that where, as here, the harm alleged by the proponent of a stay is speculative or unsupported, or "based on nothing more than . . . . fear of additional competition," the request for a stay will be denied. GTE Telenet, supra, 57 R.R.2d 1385. Airtrax's thin veil of alleged "irreparable harm" is yet another transparent effort to prevent Nielsen, a potential competitor, from taking advantage of the same technological capabilties that Airtrax and others use to compete with Nielsen.[8] As in GTE

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[8] As Nielsen argued in its Comments and Reply Comments, the Commission should not use its scarce resources to satisfy Airtrax's request for interference with the marketplace. See Nielsen's Comments at 15-18; Nielsen's Reply Comments at 21-27. Indeed, the Commission itself has recognized that its interference with marketplace forces would stifle technological innovation, lead to inefficient allocation of scarce resources, and generally disserve the public interest. See, e.g., A Re-Examination of Technical Regulations, 99 F.C.C.2d 903, 911 (1984); Amendment to Parts

[Footnote Continued on Next Page]

Telenet, Airtrax's speculative claim to irreparable harm springs from a fear of competition, and, as in GTE Telenet, must be rejected.

3. Nielsen and others interested in this proceeding will be substantially harmed by a stay.

12. As is obvious from the comments and reply comments filed in the proceeding below, it is of the utmost importance to Nielsen, broadcasters, syndicators, advertisers, and the general public that broadcast licensees be able to exercise the authority which has been granted, and which has been exercised since the grant. First, Nielsen wants to provide the more reliable ratings that encoding on line 22 will allow. Second, broadcasters and syndicators have a substantial interest in obtaining more reliable ratings information; otherwise they will be less able to satisfy viewers' desires. Third, advertisers have a substantial interest in obtaining more reliable ratings to help avoid wasting money purchasing advertising time which is not being viewed. Finally, the viewing public has a substantial interest in Nielsen's AMOL system, because it will provide more reliable ratings and will assist broadcasters and syndicators in providing programming which the public enjoys. Thus, many parties interested in this proceeding would be greatly harmed by the stay Airtrax seeks, and Airtrax's tautological argument to the contrary[9] -- which is more sophistry than well-reasoned argument based on fact -- should be rejected.

22, 90 and 95 of the Commission's Rules to Require Conversion to More Spectrum-Conservative Technologies, SCC No. 85-186 (released April 19, 1985).

[9] Airtrax takes the incredible position that, "since Nielsen cannot take advantage of its conditional authorization without risking its withdrawal, Nielsen will not be substantially harmed by a stay . . . ." Motion for Stay at 8. Even if it were true that Nielsen would risk withdrawal of its authorization if it were to "take advantage of" such authorization -- a premise which Airtrax has failed to prove -- Nielsen at least should have the opportunity to take that risk and to implement measures to minimize that risk, considering the time, effort, and expense Nielsen has expended in adapting the technology and obtaining the authorization, not to mention the harm that would result to other interested parties if Nielsen is further delayed or inhibited from implementing its system.

Airtrax has failed to saytisfy the third element of the Virginia Petroleum Jobbers test.

4. A stay is not in the public interest.

14. With respect to the fourth element of the Virginia Petroleum Jobbers test, the Commission has stated:

> [T]he major purpose of a stay is 'to avoid irreparable injury to the public interest sought to be vindicated on appeal' [and] even a showing of substantial private harm is not sufficient where the public interest would be impaired by a grant of the stay.

The Western Union Telegraph Company, 53 F.C.C.2d 144, 147 (1975) (quoting Scripps-Howard Radio, Inc. v. F.C.C., 316 U.S. 4, 14 (1942), and citing Yakus v. United States, 321 U.S. 414, 440 (1944)).

15. Airtrax argues that a stay would be in the public interest, based on its unsupportable theory regarding the alleged technological limits of Nielsen's proposed use of Line 22. In addition to misstating these limits and providing no support for their factual claims, it is obvious that Airtrax is concerned only about its own interest, vindication of which is not an objective which the extraordinary relief of a stay is designed to achieve. In contrast to Airtrax's own selfish position, Niesen's proposed use of line 22 is widely supported by members of the broadcasting, programming, and advertising fields, all of whom have a substantial interest in the more reliable ratings which the AMOL system is designed to achieve. Most importantly, Nielsen's use of line 22 benefits the public by enabling broadcasters and syndicators to be more responsive to viewer preferences. Indeed, because the Chief of the Mass Media Bureau already has found that a grant of such authority to Nielsen is in the public interest, Permissive Authority at 4, a stay of that authority clearly would not be in the public interest. Thus, even if Airtrax had demonstrated the private harm it alleges -- which it has not -- this would be inadequate to overturn

the Commission's finding that the grant to Nielsen is in the public interest. Airtrax has failed to meet the fourth element of the Virginia Petroleum Jobbers test, and its Motion for Stay should be denied.

For the foregoing reasons, A.C. Nielsen respectfully requests the Commission to deny Airtrax's Motion for Stay.

Respectfully submitted,
A.C. NIELSEN COMPANY

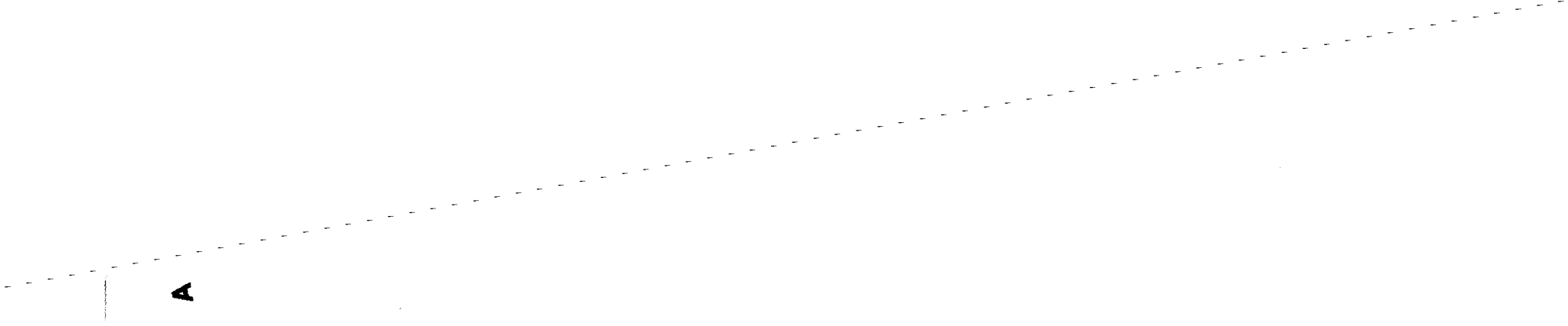
By: Kevin S. DiLallo

Grier C. Raclin
Kevin S. DiLallo

Gardner, Carton & Douglas
1001 Pennsylvania Ave., NW
Suite 750
Washington, D.C. 20004
(202) 347-9200

Its Attorneys

Dated: January 17, 1990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AFFIDAVIT

I, Ronald G. Schlameuss, under penalty of perjury, do hereby declare and state as follows:

1. I am President of Valley Stream Group, Ltd. which manufactures the encoders, in particular the SGR-38 SID Encoder, that I understand to be used by syndicators and production houses in connection with Nielsen's AMOL service.

2. I have reviewed the Application for Review filed by AirTrax on December 20, 1989, and the exhibits attached thereto, as well as AirTrax's Motion for Stay which was filed on the same date.

3. Contrary to what was stated in AirTrax's Application for Review and Motion for Stay, my October 2, 1989 letter to David H. Harkness of Nielsen, in which I stated that "alterations required [to the SGR-38 SID Encoder] to allow the cessation and re-institution of encoding would be minimal," was not based upon a misconception that Nielsen was proposing to use only Line 20. Rather, in my discussions with Nielsen, and when drafting my subsequent letter to Mr. Harkness, I had full knowledge that Nielsen was inquiring into the possibility of modifying its SID Encoder for use on Line 22 and to provide for an automatic pause feature when another code is sensed.

4. In my November 17, 1989 letter to Mr. Patterson of Absolute Post, Inc., I indicated that there was a "possibility" that the SGR-38 Encoder could by modified to enable the detection of a signal other than Nielsen's code on Line 22 and allow that signal to pass unencumbered. I used the term "possibility" only because such a system has not been fully implemented and tested and, out of a sense of conservatism, was hesitant to be more definite without such testing. However, based upon my 7 years of experience with the design and manufacture of the encoders used by syndicators in connection with Nielsen's AMOL service, I see no reason why the encoders could not be modified to provide for such a "pause" feature. Furthermore, I see no reason why such a system would not work effectively once designed and tested.

5. The foregoing is accurate to the best of my knowledge, information and belief.

Jan 15, 1990
Date

Ronald G. Schlameuss, pres.
Ronald G. Schlameuss

Sworn to and subscribed before
me this 15 day of January, 1990

DOMINICK J. DOMINGUEZ
NOTARY PUBLIC, State of New York
No. 4873606
Qualified in Nassau County
Term Expires May 4, 19 91

Notary Public

My commission expires: 5/4/91

B

AFFIDAVIT

I, David H. Harkness, under penalty of perjury, do hereby declare and state as follows:

1. I am Vice President, Director of Marketing, for A.C. Nielsen Company ("Nielsen").

2. I have reviewed the Application for Review filed by Airtrax on December 20, 1989, and the exhibits attached thereto, as well as Airtrax's Motion for Stay which was filed on the same date.

3. Soon after the issuance to Nielsen of the Permissive Authority, Nielsen undertook with Paramount Pictures Corporation to test the transmission of Nielsen's SID Codes on line 22 of certain Paramount programming. Those tests have been successful and the tests have been implemented in a way to avoid overwriting any other party's codes that might appear in commercial advertisements that are contained in the programming.

4. It is my belief that issuance of a stay or withdrawal of Nielsen's authority to use line 22 would cause substantial harm to both Nielsen and to those syndicators which use Nielsen's rating services. Without the use of line 22, Nielsen would be prevented from improving its rating services and syndicators would be prevented from receiving better ratings.

4. The foregoing is accurate to the best of my knowledge and belief.

David H. Harkness

Jan 16, 1990
Date

Sworn to and subscribed before
me this ___ day of January, 1990

_____

My commission expires:

C

AFFIDAVIT

I, Steven A. Goldman, under penalty of perjury, do hereby declare and state as follows:

1. I am Executive Vice President of the Domestic Television Division of Paramount Pictures Corporation.

2. I understand that on December 20, 1989, Airtrax filed with the FCC a Motion for Stay and Application for Review of the grant of Permissive Authority issued to A.C. Nielsen Company ("Nielsen") on November 22, 1989.

3. Soon after the issuance to Nielsen of the Permissive Authority, Paramount undertook with Nielsen to test the transmission of Nielsen's SID Codes on Line 22 of certain Paramount programming. We have implemented the tests so as to avoid overwriting any other party's codes that might appear in commercial advertisements that are contained in our programming.

4. It is Paramount's belief that issuance of a stay or withdrawal of Nielsen's authority to use Line 22 would cause substantial harm to Paramount Pictures Corporation, as well as to other syndicators and the viewing public. Virtually all national advertising for first-run syndication is sold based on Nielsen's ratings. Barter sales alone in the current broadcast season have reached one billion dollars. It is essential that advertisers purchasing time in Paramount programs have program lineup verification that is equivalent to the verification that is supplied to Networks. Improvement of the accuracy and timeliness of Nielsen's Annotated Measurement of Line-up ("AMOL"), which would be provided by the use of Line 22, secures that equivalent verification to the syndicated television industry. Excluding Nielsen from the use of Line 22 would be economically unfair to the syndicated programming industry and would irreparably and unduly harm the companies which rely upon Nielsen's services.

5. The foregoing is accurate to the best of my knowledge, information and belief.

Sworn to by me under penalty of perjury this 16th day of January, 1990 at New Orleans, Louisiana

Steven A. Goldman

Steven A. Goldman

1/16/90

Date

CERTIFICATE OF SERVICE

I, Arlene F. Lacki, a secretary in the law firm of Gardner, Carton & Douglas, do hereby certify that a true and correct copy of the foregoing "Supplemental Opposition of A.C. Nielsen Company to Motion of Airtrax for Stay" was sent on this 17th day of January, 1990, by first-class mail, postage prepaid, to the following:

The Honorable Alfred C. Sikes*
Chairman
Federal Communications Commission
1919 M Street, N.W. Room 814
Washington, D.C. 20554

The Honorable James H. Quello*
Member
Federal Communications Commission
1919 M Street, N.W., Room 802
Washington, D.C. 20554

The Honorable Sherrie P. Marshall*
Member
Federal Communications Commission
1919 M Street, N.W., Room 826
Washington, D.C. 20554

The Honorable Andrew C. Barrett*
Member
Federal Communications Commission
1919 M Street, N.W., Room 844
Washington, D.C. 20554

Roy J. Stewart, Esquire*
Chief
Mass Media Bureau
Federal Communications Commission
1919 M Street., N.W. Room 314
Washington, D.C. 20554

John G. Johnson, Jr.., Esquire
Bryan, Cave, McPheeters & McRoberts
10-15 - 15 Street, N.W., Suite 1000
Washington, D.C. 20005-2689

Arlene F. Lacki

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* Delivered by hand.